IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 22.11.2007

Coram:-

The Hon'ble Mr. Justice P.D.DINAKARAN
and
The Hon'ble Mr. Justice R.REGUPATHI

Contempt Petition No.1711 of 2007

Mohamed Faizal ... Petitioner

vs.

1. Faizia

2. Mohamed Anwar ... Respondents

Petition under Sections 10 & 12 of the Contempt of Courts Act, 70/71 to punish the respondents for having committed contempt of Court for disobeying the order dated 07.06.2007, made in HCP No.549 of 2007.

For Petitioner : Mr.Gilbert C. Pereira

O R D E R

(Delivered by P.D.DINAKARAN, J.)

The contempt applicant herein filed Habeas Corpus Petition (Non-statutory custody case) No.549 of 2007 for directing the respondents to produce his minor child Mohammed Ayan and to hand over custody of the child to him. The first respondent was the first wife of the contempt applicant and the 2nd respondent is none else than the father of the first respondent.

2. A Division Bench of this Court, by order dated 07.06.2007, disposed of the Habeas Corpus Petition in view of the arrangement between the parties and we extract the relevant portion thereof here-under,

" 3. .....
....., minor child would be brought by the mother during the second week of every alternate month so that the child can be left with the father at 10.00 A.M. on Saturday and shall be returned to the mother by 5.00 P.M. on the same day and similarly the child would be left with the father at 10.00 A.M. on Sunday and will be restored to the mother at 5.00 P.M. For compliance of the order, Respondent No.2 undertakes to come on 11th and 12th August, 2007 and thereafter it shall continue on every alternate month as per the direction. ....."

3. It was further observed in the order that such arrangement is purely an interim measure and subject to any orders to be passed in any Application that would be filed before appropriate court

and such court would be free to make any other interim arrangement without being influenced by the observation made by the Bench.

4. Complaining that such order/observation has not been complied with, the petitioner/contempt applicant has preferred the present contempt Application.

5. Concededly, an Original Petition was filed by the contempt applicant/petitioner before the Family Court at Chennai, seeking custody of the minor child. Along with the main O.P., an interim application has also been preferred for interim custody of the child. If that be so, except permitting the contempt applicant to work out his remedies in the said Original Petition before the Family Court, Chennai, no further orders are required to be passed in this Contempt Application. In this view of the matter, the Contempt Petition stands closed.

(PDDJ) (RRJ)
Index : yes / no. 22.11.2007.
Internet : yes / no.
JI.

P.D.DINAKARAN, J.
and
R.REGUPATHI, J.

Cont. Petition No.1711/07

22.11.2007.